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June 29, 2022

The Honorable J. Paul Oetken
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: 1:22-cv-02728-JPO; Plaintiff's Request for an Extension of Time Within Which to Effectuate Service

Dear Judge Oetken,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an extension of the time within which to effectuate service on John Doe.

On April 2, 2022, Plaintiff filed the instant case against John Doe subscriber assigned IP address 74.71.3.154 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol [CM/ECF 1].

On April 28, 2022, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference in order to serve a third party subpoena on Defendant's ISP ("Motion for Leave to Serve"). [CM/ECF 6].

On May 4, 2022, the Court granted Plaintiff leave to serve a third-party subpoena [CM/ECF 8]. Plaintiff served Defendant's ISP with a third-party subpoena on or about May 11, 2022, and in accordance with the time allowances provided to both the ISP and Defendant, expects to receive the ISP response on or about July 19, 2022.

Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than July 1, 2022. Because Plaintiff does not expect to receive the ISP response until July 19, 2022, Plaintiff is unable to comply with the current deadline to effect service of process.

Plaintiff respectfully requests that the deadline to effect service be extended for sixty (60) days from July 19, 2022 (the date Plaintiff expects to receive the ISP response), and thus the

deadline to effect service be extended to September 17, 2022. This extension should allow Plaintiff time to receive the ISP response, conduct a further investigation to assist in determining whether the individual identified by the ISP is the appropriate defendant for this action, and, if a good faith basis continues to exist, to proceed against that individual (or someone else), amend the Complaint to name the Defendant and attempt to effect service of process on that individual.

For the foregoing reasons, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended to September 17, 2022.

Respectfully Submitted,

By: /s/Jacqueline M. James
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